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SUMMARY RECORD OF FOURTEENTH MEETING OF
QUADRIPARTITE WORKING GROUP ON GERMANY AND BERLIN
APRIL 7, 1960

Participants:United Kingdom

Viscount Hood
 Mr. Drinkall

France

Mr. Laloy
 Mr. Winckler
 Mr. de Lussac

Germany

Ambassador Grewe
 Dr. Carstens
 Mr. Krapf
 Mr. Pauls
 Mr. Osterheld
 Mr. Ruesskriegel

United States

Mr. Kohler
 Mr. Hillenbrand
 Mr. Vigderman
 Mr. Kearney
 Mr. McKiernan
 Mr. Dean

Defense - Col. Schofield

The meeting was devoted to further editorial work on the Working Group report.

In the discussion of the tactics paper, Dr. Carstens suggested that a clause be added to the western proposal on Berlin of July 28, 1959 explicitly dealing with the possibility of a separate peace treaty with the Soviet Zone regime. With regard to the possible use of the London Working Group Solution "C", consisting of a series of independent declarations on Berlin, Dr. Carstens said the German side considered it unnecessary at this time that such details as the UN Commission for Refugees be included in the possible declarations as had originally been envisaged in Solution "C".

There was considerable discussion of the role which the East Germans might play in future conferences following the summit meeting. Dr. Carstens said the Federal Republic now considered that the participation of East German advisors in the Geneva Foreign Ministers meeting had not been to the Western advantage. Lord Hood said that the Western powers could not go back on their previous position in this regard and that this was a policy question in which a change could not be made by the Working Group

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according to its own authority. Mr. Laloy suggested that the question be left open in the Working Group report. In reply to a question by Lord Hood regarding the nature of present East-West German contacts, Mr. Laloy pointed out that technical contacts exist and should be maintained but that political contacts were part of the German reunification problem and should be dealt with in that context.

In the discussion of a possible plebiscite proposal to be made at the summit, discussion revolved around the role of UN observers and around the question of in what way the results would be considered to be binding. Dr. Carstens suggested that though the present attitude of the Soviet Zone population was quite clear, it might become uncertain as to how they would respond to the same questions after a number of years had elapsed. This had special significance for a situation in which the plebiscite would be carried out separately in the various parts of Germany if its results were to be considered binding. With regard to the question as to what degree the plebiscite would bind the participating powers, Mr. Laloy noted that the Soviets might easily change the question and pose one of their own, thus affecting the outcome to some degree.

In the discussion of the Berlin section of the draft Working Group report, Lord Hood said that the draft combined two definite sets of minimum principles, one of which might be applied to an all-Berlin solution and one which was applicable to West Berlin alone. This created confusion in the reader's mind. During the discussion, Mr. Kohler commented that the essential element of the Berlin situation was the continuation of Western forces in Berlin. This in turn revolved around Western willingness to fight for Berlin if necessary and Soviet recognition of that fact, rather than depending on a special legal status for Western forces in the city. It was quite possible to conceive of a number of theoretically alternative contracts or legal bases for the presence of the forces which would permit these essential elements of the Berlin situation to continue in effect, but it was now an accepted fact that we could not change the present status of Western forces because of the psychological effect on the West Berlin population and on world opinion. Mr. Laloy said he agreed with this statement, though he attached more importance to the legal status than did Mr. Kohler. Dr. Carstens said that he also agreed with Mr. Kohler's statement but with the same reservation. The present legal status had great advantages for the future over a new contractual basis. It was more difficult for the Soviets to abrogate an original right which did not depend on an agreement with it.

Lord Hood said that since the Working Group was generally agreed that there was no real prospect of new status, it was not necessary to deal with this seriously in the report on Berlin. Mr. Kohler said he agreed and that

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the report should therefore contain only two realistic possibilities -- an all-Berlin proposal and a modus vivendi. Dr. Carstens agreed but said that the modus vivendi should, according to the German view, be clearly defined as an agreement which left intact present Western rights in the city but which allowed limited modification of the way in which they were exercised. Lord Hood said he could accept this definition in the context given. Mr. Laloy said that although he agreed fully with Mr. Kohler's remarks, the Working Group should nevertheless contain a brief treatment of proposals for a change of status of Berlin for the sake of completeness and to indicate to NATO that these possibilities had also been considered by the Working Group.

Mr. Laloy pointed out that in terms of defining the minimum Western requirements on Berlin, it should not be considered that the only Western goal was to provide continued freedom of the Berlin population but also to maintain Western responsibility for the whole of Germany. If the Western powers abdicated their position and legal status in Berlin, the last basis for the legal claim of Four Power responsibility for German unity would be removed. Ambassador Greve noted that the real difficulty in a change of status for Berlin was that if the legal basis for the Western presence in the city were to be changed in favor of a new agreement, the Western powers would then have no grounds on which to reject Soviet efforts to "interpret" or amend the new agreement or to replace it with still another one. Dr. Carstens and Mr. Laloy endorsed this point.

Dr. Carstens said the German side would like to request that the Western position contain no mention of withdrawal of Western forces from Berlin. Dr. Carstens also expressed the reservations of his Government with regard to a time limit as applied to an interim Berlin solution. Lord Hood said that we had offered an interim Berlin agreement at Geneva and that the Working Group should not reopen this question in their paper. He considered it beyond the competence of the Working Group to revise the July 28, 1959 Western proposals. Dr. Carstens rejoined that this point was accepted but that there would have to be a review of specific negotiating possibilities in detail including the July 28, 1959 proposal after the Foreign Ministers had indicated the general tactical line they wished the Working Group to prepare and that his point might then be further considered.

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